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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
ANDREAS PEFANIS on behalf of himself	:	
and others similarly situated,	:	
Plaintiff,	:	08 Civ. 002 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
WESTWAY DINER, INC.,	:	
Defendant.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

IT IS HEREBY ORDERED that the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. Plaintiff shall file a Second Amended Complaint by **September 17, 2010**.
2. The parties shall contact the chambers of Magistrate Judge Ellis no later than **September 17, 2010** in order to schedule settlement discussions under his supervision.
3. The Joint Pretrial Order must be filed by **October 15, 2010**. As described in greater detail in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Voir Dire, Requests to Charge, and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due **October 22, 2010**. Counsel shall provide the Court with two (2) courtesy copies of all pretrial documents at the time of filing.
4. The final pretrial conference is scheduled for **October 29, 2010 at 4:00 P.M.** in Courtroom 11B, 500 Pearl Street, New York, New York.

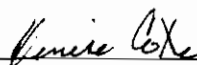
IT IS FURTHER ORDERED that the case is placed on the **November 1** trial ready calendar. You must be ready to proceed on 24 hours notice. You may contact the Deputy Clerk, Gloria Rojas, to learn where your case stands on the calendar.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial:

1. All exhibits must be pre-marked.
2. At the start of the trial each party will present the Court with the following documents:
 - (a) Three copies of a complete exhibit list.
 - (b) A set of pre-marked exhibits assembled sequentially (i) in a looseleaf binder, or (ii) in separate manila folders labeled with the exhibit numbers and placed in a suitable container or box for ready reference.
 - (c) The exhibits should include copies of the sections of any depositions that are intended to be offered into evidence, expert reports, and any charts or summaries of evidence.
3. Counsel should be available every day at 9:00 a.m. (except for the first day of trial) in order to discuss with the Court any legal or evidentiary issues expected to arise during the day.
4. Testimony will generally be taken between 9:30 and 5:00 from Monday through Thursday. There will be a mid-morning, a mid-afternoon, and a lunch break from 12:45 p.m. to 2 p.m.
5. There should be no sidebars during jury trials. Counsel are expected to anticipate any problems that might require a ruling from the Court and to raise those issues with the Court in advance of the time that the jury will be hearing evidence.
7. If counsel intend to distribute copies of documentary exhibits to the jury, make a separate copy for each juror.
8. Counsel should make certain that they have custody of all original exhibits. The Court does not retain them and the Clerk is not responsible for them.

SO ORDERED:

Dated: New York, New York
September 8, 2010



DENISE COTE
United States District Judge